

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:10-CR-498-T-17TGW

CEDRIC RECHE ALLEN.

_____ /

ORDER

This cause is before the Court on:

Dkt. 122 Motion to Reduce Sentence Under the Holloway Doctrine

Defendant Cedric Reche Allen, *pro se*, moves for a sentence reduction under the Holloway doctrine, ***United States v. Holloway***, 68 F.Supp.3d 310 (E.D.N.Y. July 28, 2014).

In ***United States v. Holloway***, the district judge found the defendant's sentence unjust, and, at the judge's request, the Government vacated two of the defendant's convictions. There is no Eleventh Circuit precedent authorizing the use of the procedures identified in ***Holloway***. See, for example, ***United States v. Wilson***, 2017 WL 784611 at *2 (M.D. Fla. 2017); see also ***United States v. Antoine Jackson***, Case No. 8:00-CR-346-T-17MAP, Dkt. 330, Order denying Motions.

Defendant Allen has also moved for a sentence reduction pursuant to the First Step Act of 2018. The Superseding Information does not refer to cocaine base. Defendant Allen entered a guilty plea to Count 1 of the Superseding Information, charging Defendant Allen with Possession with Intent to Distribute a quantity of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. Sec. 841(a)(1).

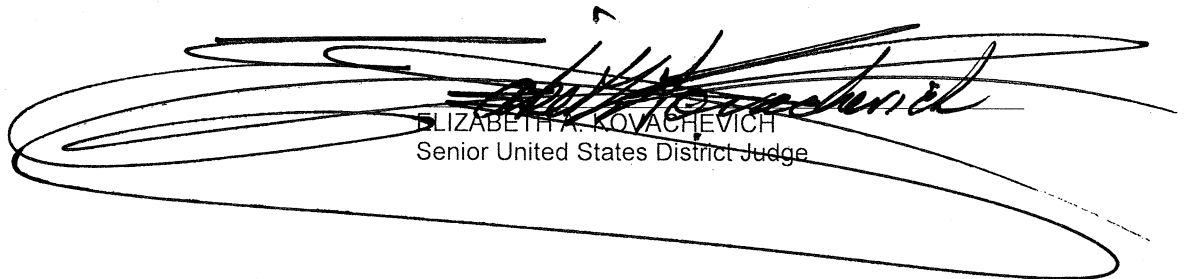
The Court notes that no First Step Memorandum has been filed, and it is not clear to the Court that Defendant Allen is eligible.

After consideration, the Court denies Defendant Allen's Motion to Reduce Sentence Under the Holloway Doctrine, and denies the Motion without prejudice as to relief under the First Step Act of 2018. Defendant Allen shall file

a renewed motion seeking relief under Section 404 of First Step Act within fourteen days. At that time, the Court will refer this case for appointment of counsel, who can formally evaluate Defendant Allen's Motion. Accordingly, it is

ORDERED that *pro se* Defendant Cedric Reche Allen's Motion to Reduce Sentence Under the Holloway Doctrine (Dkt. 122) is **denied**; Defendant Allen's Motion to Reduce Sentence under the First Step Act is **denied without prejudice**. Defendant Allen **shall file** a motion for relief under Section 404 of the First Step Act of 2018 within fourteen days in order to pursue further relief.

DONE and ORDERED in Chambers in Tampa, Florida on this 19th day of November, 2019.



ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

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